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HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (C) No. 2725 of 2007

Petitioner	Smt. Preeti Gope, W/o. Shri Alok Gope, aged about 31 years, R/o. Qtr. No. 134, Indira Colony, Behind Hospital Sector, Dallirajhara, District Durg (C.G.)
	Versus
Respondent	Alok Gope, S/o. Late Shri Balram Gope, aged about 38 years, R/o. Qtr. No. F/12, C.S.E.B. Colony, Daganiya, Raipur, District Raipur (C.G.)

WRIT PETITON UNDER ARTICLE 227 OF THE CONSTITUTION

SB : Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. A.K. Prasad, Advocate for the petitioner.

ORDER

(Passed on this 7th day of May, 2007)

1. The petitioner, being aggrieved, by the order dated 24.3.2007 (Annexure P/1) passed by the IInd Additional Principal Family Judge, Raipur, rejecting the application of the petitioner under Section under Section 13 of the Family Courts Act, 1948 (hereinafter referred as to 'the Act, 1948'), has filed this petition.
2. The main contention of the petitioner is that in the facts of the case the petitioner being a lady is entitled to the assistance of legal practitioner/amicus curiae.
3. On perusal of the pleadings and documents, after hearing learned counsel appearing for the petitioner, no exceptional case has been made out, wherein the court below should exercise its power under the provision of Section 13 of the Act, 1948 in favour of the petitioner by permitting the assistance of legal practitioner/amicus curiae. The

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object for enacting the Act, 1948 is to establish Family Court view. A Family Court to permit in a social speedy settlement of dispute relating marriage and family matters connected therewith. Section 13 of the Act, 1948 reads as under:-

> "13. Right to Legal representation.- Notwithstanding anything contained in any law, no party to a suit or proceeding before a Family Court shall be entitled, as of right, to be represented by a legal practitioner:
>
> Provided that if the Family Court considers it necessary in the interest of justice, it may seek the assistance of a legal expert as amicus curiae.

4. There is a clear bar for representation on behalf of a party by a legal practitioner before the Court. However, it is discretion of the Family Court in the interest of justice to seek the assistance of a legal expert as amicus curiae. There is no provision for engagement of a legal practitioner to represent a particular party. The assistance of legal expert as amicus curiae under proviso to Section 13 of the Act, 1984 is for the Court, not for the party.
5. In view of the well settled position of law and having regard to the facts of the case, no case has been made out for interference with the impugned order dated 24.3.2007 (Annexure P/1) passed by the IInd Additional Principal Family Judge, Raipur. The order is legal, valid and justified warrants no interference.
6. Thus, this petition is dismissed summarily.

Sd/-
Satish K.Agnihotri
Judge

B/-